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P.S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/543,331 04/05/00 HATTORI

S 35.C14393

005514 MM91/0425
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NEW YORK NY 10112

EXAMINER

NGHIEM, M

ART UNIT	PAPER NUMBER
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2861

DATE MAILED:

04/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/543,331	Applicant(s) HATTORI ET AL.	
	Examiner Michael P Nghiem	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-10/(2, 5-9) is/are rejected.
- 7) ☒ Claim(s) 3, 4, 10/3 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3, 6</u> . | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Invention I, directed to Claims 1-10 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that there would not be undue burden in examining both species in a single application. In particular, it has always been Applicants' prerogative to present claims to a "reasonable" number of species, as "reasonable" is used in 37 CFR 1.141 (a). Here, only two species have been identified, which is believed fully "reasonable" and further is not believed to be unduly burdensome on the Examiner. This is not found persuasive because under 35 U.S.C. 121, Applicant is required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Under 37 CFR 1.141(a), two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, **provided** the application also includes an **allowable** claim generic to all the claimed species and **all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim.**

The requirement is still deemed proper and is therefore made FINAL. Claims 11-18 are withdrawn from consideration.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rib (claim 3) must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 does not recite a combination of elements.

Claims 2, 5, and 8, "the surface" (e.g. claim 2, line 6) lacks antecedent basis.

Claim 6, "said communication portion" (lines 8-9) lacks antecedent basis.

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

Claim Rejections - 35 USC 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 8, and 10/(2, 5, 8, or 9) are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al. (EP 709211).

Boyd et al. discloses all the claimed features of the invention including:

- an ink absorbent (130) formed by fiber material (foam, Abstract, line 2) having a face structured by a cut face (Abstract, lines 9-10), contained in the housing of an ink tank (160) for storing ink in the interior thereof provided with a supply port (183) for leading out ink to the outside, and an atmospheric communication port (148) to be

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communicated with the air outside, having the surface formed at least by thermoforming (Abstract, lines 5-6), wherein

- the face of said ink absorbent facing said supply port on the inner face of said ink tank is a cut face (bottom-most flat surfaces of 130, Fig. 4),
- the face of said ink absorbent facing the plane having the largest area on the inner face of said ink tank is the cut face thereof (flat wide side surfaces of 130, Fig. 4),
- two faces of said ink absorbent opposite to each other are the cut faces (vertical surfaces of foam 130, Fig. 4).

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, and 10/(6 or 7) are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. in view of Koitabashi et al. (US 5,509,140).

Boyd et al. further discloses the face of said ink absorbent facing a partition wall member (178) is the cut face thereof (flat side surface of 130 facing 178, Figs. 4, 5).

However, Boyd et al. does not disclose said ink tank comprises:

- a negative pressure generating member installation chamber;
- a liquid storage chamber communicated with said negative pressure generating member installation chamber through communication passage to store ink to be supplied to said negative pressure generating member installation chamber substantially closed with the exception of said communication portion;
- a partition wall member having said communication passage, partitioning said negative pressure generating member installation chamber and said liquid storage chamber.

Nevertheless, Koitabashi et al. discloses an ink tank (1) comprises a negative pressure generating member installation chamber (6) for the purpose of accommodating a foam member for maintaining negative pressure; a liquid storage chamber (4) communicated with said negative pressure generating member installation chamber through communication passage (8), substantially closed with the exception of said communication portion (Fig. 2) for the purpose of storing and supplying ink to said

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negative pressure generating member installation chamber; and a partition wall member (5) having said communication passage (Fig. 2), for the purpose of dividing the ink tank into two chambers (Fig. 2) yet providing communication between the two chambers.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the ink tank of Boyd et al. such that said ink tank has two chambers communicating with each other as disclosed by Koitabashi et al. for the purpose of improving ink storage and ink supplying capabilities.

Allowable Subject Matter

6. Claims 3, 4, and 10/3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

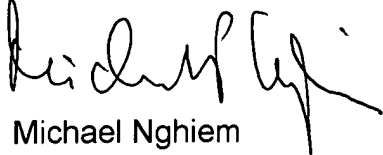
Reasons For Allowance

7. The combination as claimed wherein the face of said ink absorbent abutting upon a rib on the inner face of said ink tank is the non-cut thermoformed face thereof (claim 3) or the face of said ink absorbent facing the atmospheric communication port of said ink tank is the non-cut thermoformed face thereof (claim 4) is not disclosed, suggested, or made obvious by the prior arts of record.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956.

A handwritten signature in black ink, appearing to read "Michael Nghiem", with a stylized flourish at the end.

Michael Nghiem

April 24, 2001